

REMARKS

Applicants have carefully considered the August 10, 2005 final Office Action regarding the above-identified application, and have filed a Request for Continued Examination. The amendments above together with the remarks that follow are submitted in a bona fide effort to address all issues raised in that Action. Prompt favorable reconsideration of this amended application is requested.

References, in several independent claims, to obtaining (acquiring, accumulating or storing) information which changes in accordance with time or log information, have been revised to indicate that the information is so obtained "at a constant period or cycle." Support for the revised claim language may be found in the original written description for this application, at page 12, lines 6-22, which read:

... An example shown in FIG. 3 has shown where the user operates such a setting screen as shown in FIG. 12 by way of example to thereby set accuracy information to 40%. In response to it, the user-designated information notification control means 240 generates notice control information 210 in which the ratio between periods of "H" and "L" designated at numeral 210 shown in FIG. 3 is given as 40:60. While the period or cycle of this signal is not limited to it, the period thereof will be defined as a cycle of one hour, for example. When the notice control information 210 is "H", the user-designated information notifying means 203 outputs user-designated information 209 as log information 213. When the notice control information 210 is "L", the user-designated information notifying means 203 outputs "L" (indicative of the absence of information) as log information 213.... (Emphasis Added)

Claim 4 is amended to recite that the pseudo user-designated information composed of the same format as user-designated information, wherein acquired information and pseudo user-designated information cannot be distinguished. Support for the revised claim language may be found in the original written description for this application, at page 29, lines 13-26, which read:

... According to the present notice control information 406, the user-designated information notifying means 401 outputs user-designated information during an "H" period, and outputs pseudo user-designated information as log information during an "L" period. Thus, some kind of log information is generated at all times, and user-designated information based on an actual user operation can be generated as log information containing only 40% of its entirety. According to the in-home device of the present embodiment, it becomes difficult to make a distinction between the user-designated information and pseudo user-designated information contained in the log information. Thus, user's privacy protection against the log information can be enhanced. (Emphasis Added)

In view of the above-identified exemplary support, it is respectfully submitted that the amended claim language complies with the statutory requirement for written description and does not introduce new subject matter.

Claims 1-3 and 5-18 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,691,158 to Douvikas et al. (hereinafter Douvikas). This rejection is traversed.

The apparatus of independent claim 1 includes means for acquiring sequential user-designated information which changes in accordance with time at a constant period or cycle. In claim 9, the accumulating means accumulates log information that changes with time at a constant period or cycle. Claim 10 recites receiving and accumulating log information that changes with time at a constant period or cycle, and claim 11 recites storing information at a constant period or cycle. In the system of claim 12, the control device is for receiving, accumulating and recording log information at a constant period or cycle; whereas in the system of 13, the acquiring means in the information processing apparatus acquires information at a constant period or cycle. It is respectfully submitted that, in addition to previously noted distinctions, Douvikas fails to meet the recitations added above to the independent claims.

The anticipation rejection apparently interprets the user data record and/or user selections disclosed in the Douvikas patent as acquired information or log information. It is not seen, however, where Douvikas patent discloses obtaining the user data record or the user selections at

a constant period or cycle. It is therefore submitted that the Douvikas processing of the user data records or user selections does not satisfy the claim limitations of any of the revised independent claims. The anticipation rejection therefore should be withdrawn

Claim 4 was rejected under 35 U.S.C. §103 as unpatentable over Douvikas in combination with U.S. Patent No. 6,754,904 to Cooper et al. (hereinafter Cooper). This rejection also is traversed. Since Douvikas does not meet all of the requirements of parent claim 1, and Cooper is not cited for the missing requirements, the combination of Douvikas and Cooper does not render dependent claim 4 obvious. It is further submitted that claim 4 specifies an additional patentable distinction over the applied documents, as discussed below.

In claim 4, the apparatus further includes pseudo information generating means, and the claim now recites that the pseudo user-designated information is composed of the same format as user-designated information, wherein acquired information and pseudo user-designated information cannot be distinguished. Cooper was applied as an alleged teaching of pseudo information generating means. Applicants submit, however, that Cooper does not have pseudo information generating means of the type claimed. Cooper actually discloses an enhanced buddy list, which adds information about the respective TV show that each person that is listed as being on-line may currently be viewing. The rejection cites Fig. 11, elements 1110, 1108, as an alleged teaching to substitute a “private” label, as a replacement for the correct information. A replacement of a program label with a different label does not teach substituting pseudo user-designated information of the same format as the user-designated information, nor does such a label replacement suggest that the acquired information and the alleged pseudo user-designated information cannot be distinguished. The proposed combination of Douvikas and Cooper

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therefore would not meet the added limitations of dependent claim 4. Hence claim 4 is additionally patentable over the applied art.

Upon entry of the above claim amendments, claims 1-18 remain active in this application, all of which should be patentable over the art applied in the Action. It is submitted that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the August 10, 2005 Office Action. However, if any further issue should arise that may be addressed in an interview an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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